

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA	§	
	§	
vs.	§	NO: SA:22-CR-00366(1,2)-OLG
	§	
(1) HOMERO ZAMORANO JR.	§	
(2) CHRISTIAN MARTINEZ	§	

ORDER ON AGREED MOTION TO CONTINUE AND FOR CERTIFICATION OF
CASE AS COMPLEX AND AMENDING SCHEDULING ORDER

The matters before the court is the Agreed Motion to Continue and for Certification of Case as Complex filed *Thursday, September 01, 2022 [dkt. #47]*, after reviewing the motion, it is the opinion of the Court that the motion should be GRANTED.

THE COURT HEREBY FINDS that the ends of justice will be served by granting continuance and such ends of justice outweigh the interests of the public and the defendant in a speedy trial, based the following factors:

1. The nature of the prosecution is complex, due to the number of victims, the international nature of the investigation, the scope of the offense conduct, the voluminous data expected in discovery, and the pretrial review for death penalty eligibility. These issues combine to make trial preparation more burdensome than normal.

The Court further finds that the period between *Tuesday, September 20, 2022 and Monday, March 20, 2023*, is a reasonable period of necessary delay to allow counsel time for preparation for trial and further finds that such period shall

be excluded from the time within which the defendant must be brought to trial and that the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial under the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161.

THE COURT FURTHER ORDERS that this case be designated a "complex case" as described in 18 U.S.C. 3161(h)(7)(A), and (B)(ii).

This case shall proceed on the following amended schedules:

Pursuant to Federal Rules of Criminal Procedure 11(c) and the holding of the Fifth Circuit Court of Appeals in United States of America v. Ellis, 547 F.2d 863 (5th Cir. 1977), the ***deadline*** for notifying the Court of any ***plea bargain*** or ***plea agreement*** entered into by the parties in this cause is *Thursday, March 09, 2023*. The Court will not accept a plea agreement after the aforementioned deadline. Should a plea agreement be reached and filed in this case and absent written objection filed contemporaneously therewith, this case will be referred to a United States Magistrate Judge for the purpose of administering the plea of guilty and the Fed. R. Crim. P. 11 allocution, subject to final approval and the imposition of sentence by the United States District Court.

PRETRIAL MATTERS

Motions in Limine, witness lists, exhibit lists, and agreed stipulations as to

certain elements or facts, if any, shall be filed Thursday, March 09, 2023.

Responses to motions in limine, proposed jury instructions, and proposed voir dire shall be filed Monday, March 13, 2023.

In order to conduct a more efficient and expeditious trial, counsel is encouraged to exchange exhibits within a reasonable period but no later than seven (7) days prior to the pretrial conference. Once counsel has provided opposing counsel with proposed exhibits, authentication of the exhibit will be presumed unless opposing counsel notifies the offering party in writing within three (3) days after the exhibit is listed and made available. To the extent that counsel intend to raise objections concerning the admissibility of exhibits, such objections must be made at the pretrial conference or at least three (3) business days before trial by notifying the Court in writing of the evidentiary disputes with copies of the disputed exhibit and authority attached to the written objection. Counsel should also advise the Court of any anticipated objections to witness testimony at the pretrial conference or at least three (3) business days prior to trial.

Pretrial Conference is reset for Thursday, March 16, 2023 at 10:30 a.m.

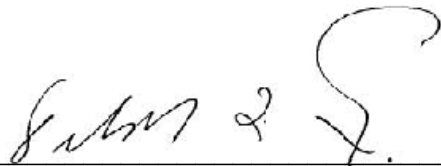
in Courtroom C, on the Second Floor of the United States Courthouse, 262 W.

Nueva Street, San Antonio, Texas.

Jury selection and trial are reset for *Monday, March 20, 2023 at 9:30 a.m. in Courtroom C, on the Second Floor of the United States Courthouse, 262 W. Nueva Street, San Antonio, Texas.*

IT IS FURTHER ORDERED that the Clerk of the Court shall send a copy of this order to counsel for the defendant, the United States Attorney, the United States Pretrial Services and the United States Probation Office. ***Counsel for the defendant shall also notify the defendant of this schedule*** and advise the defendant that he must be present for all court proceedings unless excused by the Court.

Signed this 6th day of September, 2022



ORLANDO L. GARCIA
CHIEF U.S. DISTRICT JUDGE